

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10cv199**

SHERRY L. HOLTSCLOW,)
)
)
Plaintiff,)
)
)
vs.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
)
Defendant.)
-----)

**MEMORANDUM OF
DECISION AND ORDER**

THIS MATTER is before the Court on the Defendant's Motion for Reconsideration [Doc. 20].

On December 30, 2011, the Court entered an Order reversing the decision of the Commissioner and remanding this case for the immediate award of benefits, and a Judgment was entered to that effect. [Docs. 17, 18]. The Defendant now moves pursuant to Rule 59(e) of the Federal Rules of Civil Procedure for reconsideration of the Court's Order. [Doc. 20]. The Plaintiff opposes the Defendant's Motion. [Doc. 22].

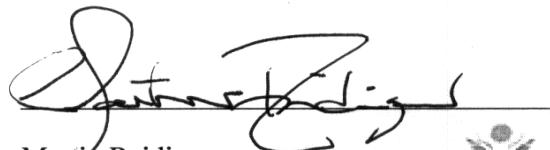
Upon careful review of the Defendant's Motion, and the Plaintiff's opposition thereto, the Court remains convinced that the ALJ's decision

denying the Plaintiff benefits is not supported by substantial evidence and that a remand for an immediate award of benefits is appropriate.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Government's Motion for Reconsideration [Doc. 21] is **DENIED**.

IT IS SO ORDERED.

Signed: April 24, 2012



Martin Reidinger
United States District Judge

